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COMMITTEE ON APPROPRIATIONS

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May 8, 2017

Chuck Rosenberg
Director
Drug Enforcement Administration
800 K Street, N.W., Suite 500
Washington, DC 20001

Dear Director Rosenberg,

Our nation remains in the grip of a devastating opioid and drug epidemic.

As a member of the House Appropriations Committee, I am working to increase funding to support programs and initiatives that help individuals battling the disease of addiction. But I am also working equally hard in support of strong, aggressive measures that address the root causes of this devastating crisis.

We must redouble our efforts and do more to get our communities healthy again. The Drug Enforcement Administration's '360 Strategy' is an important, positive task force initiative that I am pleased to support in my home state of West Virginia and across the country.

The purpose of this letter is to draw specific attention to, and request answers about, the policies and procedures of the DEA's drug quota system. I firmly believe we must re-examine and reform this program.

For years, the DEA approved dramatic increases in the aggregate levels of drug ingredients, all at a time when more and more opioids were being manufactured and prescribed. The DEA must evaluate all areas that are involved in the opioid epidemic, including the quota process.

I respectfully ask that you evaluate the DEA quota system to guarantee safeguards are in place so this country never again faces an opioid crisis like we are seeing today. I also request information on the quota levels, including the DEA's critical role in setting these aggregate quota levels, how decisions for the quotas are made, and what sort of data is used when making these decisions.

Specifically:

1) During years where there were increases in the quota levels, how did the DEA review the previous years approved quotas for the Aggregate Production Quota for Schedule II when making decisions?

a. How are previous years aggregate levels considered when determining the next quota?

b. When making the decisions for the upcoming year, do those making the decisions investigate:

   i. Internal DEA data on diversion,

   ii. Previous years' quota levels, and

   iii. Public health concerns

2) Who is responsible for reviewing the approved increases for aggregate production levels?

   a. Who was responsible for the oversight of the approvals?

   b. What authority did they have?

   c. What other oversight mechanisms are in place to review prior year quota levels when determining future quota levels?

3) What mechanisms are in place within the Diversion Control Division and the DEA, as a whole, to incorporate diversion information from agents, states and diversion statistics into the decisions on quota approvals?

   a. Does the Diversion Control Division receive reports or memos on diversion information from agents and states?

   b. Is there a unit or office where diversion information is compiled for internal decision making, including setting the aggregate production quota?

   c. Who is responsible for gathering diversion information from state agencies so it can be used when setting the upcoming year's quota?

4) How often are diversion investigators asked for input into other aspects of the Diversion Control Division?

   a. Is there specific criteria for diversion investigators reporting back to the Diversion Control Division?

   b. How is this information used within the Diversion Control Division?

I appreciate your assistance and hope you can provide a timely response to my requested information. I look forward to continuing to work with you to solve this most urgent public health and public safety crisis.

Sincerely,

Evan Jenkins
Member of Congress